

ORDINANCE NO _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
 2 PROPERTY LOCATED AT 605 AND 615 WEST 7TH STREET FROM
 3 COMMUNITY COMMERCIAL (GR) DISTRICT TO CENTRAL BUSINESS
 4 DISTRICT-CENTRAL URBAN REDEVELOPMENT-CONDITIONAL OVERLAY
 5 (CBD-CURE-CO) COMBINING DISTRICT
 6

7 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN
 8

9 **PART 1** The zoning map established by Section 25-2-191 of the City Code is amended to
 10 change the base district from community commercial (GR) district to central business
 11 district-central urban redevelopment-conditional overlay (CBD-CURE-CO) combining
 12 district on the property described in Zoning Case No. C14-06-0183, on file at the
 13 Neighborhood Planning and Zoning Department, as follows
 14

15 A 0.407 acre tract of land, more or less, being Lot 8 and the west 19 feet of Lot 7
 16 and the east 50 feet of Lot 7, Block 75, Original City of Austin, the tract of land
 17 being more particularly described in Document No. 2006110900, of the Official
 18 Public Records of Travis County, Texas (the "Property"),
 19

20 locally known as 605 and 615 West 7th Street, in the City of Austin, Travis County, Texas,
 21 and generally identified in the map attached as Exhibit "A"
 22

23 **PART 2** The use and site development regulations for the Property within the boundaries
 24 of the central urban redevelopment (CURE) combining district established by this
 25 ordinance are modified to provide as follows
 26

- 27 A Development of the Property may not exceed a floor-to-area ratio (F A R) of
 28 1.10 to 1.0
 29
- 30 B For a building or structure with a height exceeding 60 feet from ground level,
 31 75 percent of its gross floor area shall be for residential uses
 32
- 33 C For a building or structure with a height exceeding 68 feet from ground level, a
 34 15 foot step-back from the West 7th Street right-of-way is required
 35
- 36 D Two levels of parking spaces shall be underground. The above-ground floors of
 37 a parking structure shall be screened

1 E Loading spaces shall be located in the alley area to the south of the Property

2
3 F Pedestrian uses shall occupy 75 percent of the building frontage along Rio
4 Grande Street and West 7th Street Except as otherwise provided in Subsection
5 G of this Part, a pedestrian use means a use set forth in Section 25-2-691 (C)
6 (*Waterfront Overlay(WO) District Uses*) of the City Code

7
8 G A cocktail lounge use is a prohibited use of the first floor of a building or
9 structure

10
11 H There shall be a maximum of 40 feet between entrances to a building or
12 structure from Rio Grande Street and West 7th Street

13
14 I On the second floor of a building frontage along Rio Grande Street, spaces shall
15 be provided for a permitted or conditional use allowed in the central business
16 district (CBD) to a depth of not less than 24 feet Off-street parking is not
17 permitted under this Subsection

18
19 **PART 3** The Property within the boundaries of the conditional overlay combining district
20 established by this ordinance is subject to the following conditions

21
22 A A site plan or building permit for the Property may not be approved, released,
23 or issued, if the completed development or uses of the Property, considered
24 cumulatively with all existing or previously authorized development and uses,
25 generate traffic that exceeds 2,000 trips per day

26
27 B Vehicular access from Rio Grande Street to the parking structure shall be for
28 residential uses only

29
30 Except as specifically restricted under this ordinance, the Property may be developed and
31 used in accordance with the regulations established for the central business district (CBD)
32 base district and other applicable requirements of the City Code

33
34 **PART 4** A \$250,000 00 contribution shall be provided as follows 1) \$500 00 per
35 residential unit to Shoal Creek Greenway Improvements (Austin Parks Foundation), and,
36 1) the remainder of the contribution to be made to either the Housing Trust Fund or the
37 Smart Housing Capital Improvement Project Fund, or any other entity designated by the
38 City of Austin whose primary purpose is to provide affordable housing The contribution
39 shall be made upon the commencement of construction

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PART 5 This ordinance takes effect on _____, 2007

PASSED AND APPROVED

_____, 2007

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§
§

Will Wynn
Mayor

APPROVED

David Allan Smith
City Attorney

ATTEST

Shirley A. Gentry
City Clerk



 1 = 400	SUBJECT TRACT 	ZONING CASE # C14-06 0183 ADDRESS 615 W 7TH ST SUBJECT AREA (acres) 0.407	CITY GRID REFERENCE NUMBER J22	
	PENDING CASE 			DATE 06 08
	ZONING BOUNDARY 			INTLS. SM
	CASE MGR J ROUSSELIN			

Zoning Case No C14-06-0183

RESTRICTIVE COVENANT

OWNER(S) Michael J McGinnis
Richard G Hardin
Anna Catherine Miller
Robert Clift McGinnis

ADDRESS c/o Michael J McGinnis P O Box 5334 Austin, Texas 78763

CONSIDERATION Ten and No/100 Dollars (\$10 00) and other good and valuable consideration paid by the City of Austin to the Owner the receipt and sufficiency of which is acknowledged

PROPERTY A 0 407 acre tract of land more or less being Lot 8 and the west 19 feet of Lot 7 and the east 50 feet of Lot 7 Block 75, Original City of Austin, the tract of land being more particularly described in Document No 2006110900 of the Official Public Records of Travis County, Texas

WHEREAS, the Owner whether one or more of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions

NOW, THEREFORE it is declared that the Owner of the Property for the consideration shall hold sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant These covenants and restrictions shall run with the land and shall be binding on the Owner of the Property, its heirs, successors and assigns

- 1 The Owner shall design and construct streetscape improvements along Rio Grande Street and West 7th Street in compliance with the City of Austin Great Streets design criteria as the criteria existed on March 1 2006 Design permitting and construction of streetscape improvements will be at Owner s expense The Owner shall coordinate the design of the streetscape improvements with the Urban Design Section of the Neighborhood Planning and Zoning Department The Urban Design Section shall inspect and approve the streetscape improvements prior to issuance of a certificate of occupancy
- 2 All residential and commercial development shall comply with Austin Energy Green Building Program in effect on March 1 2007 to achieve a minimum two star rating
- 3 A live music venue is not permitted on the first floor a building or structure on the Property
- 4 If any person or entity shall violate or attempt to violate this agreement and covenant it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant to prevent the person or entity from such actions and to collect damages for such actions
- 5 If any part of this agreement or covenant is declared invalid by judgment or court order the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect

- 6 If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known such failure shall not constitute a waiver or estoppel of the right to enforce it
- 7 This agreement may be modified amended or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin and (b) by the owner(s) of the Property subject to the modification amendment or termination at the time of such modification, amendment or termination

EXECUTED to be effective the _____ day of _____, 2007

OWNER

Richard G Hardin

By Michael J McGinnis Attorney in Fact

Anna Catherine Miller

By Michael J McGinnis Attorney in Fact

Robert Clift McGinnis

By Michael J McGinnis Attorney-in Fact

Michael J McGinnis

Michael J McGinnis

APPROVED AS TO FORM

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____
2007 by Michael J McGinnis as Attorney-in-Fact on behalf of Richard G Hardin

Notary Public State of Texas

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____
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This instrument was acknowledged before me on this the ___ day of _____
2007 by Michael J McGinnis

Notary Public State of Texas

**After Recording Please Return to
City of Austin
Department of Law
P O Box 1088
Austin Texas 78767
Attention Diana Minter Legal Assistant**